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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT FAIRBANKS**

ROBERT PROBERT; LORETTA E.
PROBERT; GENE GRISSOM; SANDRA
GRISSOM; JOHN GRIMES; DONNA
GRIMES; KENNETH MCDANIELS;
LEONA MCDANIELS; ERIC
CLONINGER and DEBRA CLONINGER,

Plaintiffs,

vs.

FAMILY CENTERED SERVICES of
ALASKA, INC.; JOHN W. REGITANO;
KATHY CANNONE; SUSZAN DALE;
LONNIE HOVDE; DEBORAH L. COXON,
and ADDITIONAL DOES I to X,
Managerial Employers, Jointly Liable,

Defendants.

Case No. 4:07-CV-00030 RRB

**MOTION FOR PARTIAL SUMMARY JUDGMENT PAY FOR HOURS
WORKED BETWEEN 8 AND 40 AND TO DECLARE THAT PORTION OF THE
CONTRACT THAT LORETTA PROBERT WOULD NOT BE PAID FOR
HOURS WORKED IN EXCESS OF 40 HOURS UNCONSCIONABLE AND
ORDER THAT SHE BE PAID FOR HOURS WORKED IN EXCESS OF 40
HOURS**

Loretta Probert was employed by FCSEA as a house parent. Her hourly rate was

\$22.00 an hour. She supposedly was only going to work 8 hours a week. She actually worked 96 hours a week but was still only paid for 8 hours a week. Her employment contract said she would not be paid for hours in excess of 40 hours. She was not paid for the hours worked between 8 hours a week to 40 hours per week she was not paid for work in excess of 40 hours per week.

Ms. Probert requests the following relief:

- 1) The Court declare that she is entitled to payment under her contract for hours worked from 8 hours per week to 40 hours per week;
- 2) That the term of the contract saying she would not be paid for work in excess of 40 hours per week is unconscionable and unenforceable and Order that she shall be compensated for her hours worked in excess of 40 hours per week.

This Motion is supported by the attendant Memorandum of Law and other documents cited in support thereof.

RESPECTFULLY SUBMITTED this 9th day of April, 2012, at Fairbanks,
Alaska.

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing
has been served electronically by ECF to the
following attorney(s) and/or parties of the record:

John Foster Wallace

Richard D. Monkman

Dated: April 9, 2012

By: s/ Camille De Santiago
Law Office of Kenneth L. Covell